IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 30034 of 2007(A)

PETITIONER:

K.NATARAJAN CHETTIAR,
T.C.20/2343, TELUNGU CHETTY STREET,
KARAMANA, THIRUVANANTHAPURAM.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR
SRI.V.VARGHESE

RESPONDENTS:

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1. THE CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM.

2. THE SUB INSPECTOR OF POLICE,
KARAMANA POLICE STATION,
THIRUVANANTHAPURAM.

3. MANIYAN CHETTIAR, T.C.20/2342,
TELUNGU CHETTY STREET,
KARAMANA, THIRUVANANTHAPURAM DIST.

R1 BY ADV.SRI.N.NANDAKUMARA MENON, SC.
R2 BY SR.GOVT.PLEADER MR.K.J.MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.30034 OF 2007

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DATED THIS THE 10TH OCTOBER, 2007

J U D G M E N T

The grievance of the petitioner is that his neighbour, the 3rd respondent is going ahead with the construction of a building in close proximity to his property and that too, without obtaining any permit whatsoever from the 1st respondent-Corporation.

2. Mr.N.Nandakumara Menon, Standing Counsel taking notice on behalf of the Corporation submits that the Corporation will not have any objection in considering Ext.P2 representation in accordance with law.

3. Mr.V.Varghese, counsel for the petitioner submits that the petitioner believes that the illegality is being perpetrated by the 3rd respondent with the tacit connivance of the 1st respondent-Corporation.

4. Under these circumstances, I dispose of the Writ Petition issuing the following directions:-

The Secretary of the 1st respondent-Corporation will take up Ext.P2 immediately, conduct a local inspection of the constructions which are being taken up by the 3rd respondent with notice to the 3rd respondent and do the needful. If the local inspection reveals that the

3rd respondent is carrying out the constructions unauthorisedly, i.e., without any permit from the Corporation, immediate stop memo shall be issued by the 1st respondent-Corporation so that the 3rd respondent will be restrained from continuing with the illegal constructions. Before finalising the proceedings, if any, initiated under Section 406(1)/408 (1) against the 3rd respondent, the 1st respondent will hear the petitioner also apart from hearing the 3rd respondent.

(PIUS C.KURIAKOSE, JUDGE)

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